

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TREVOR KEVIN BAYLIS,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:23-cv-01653-RSM

PLAINTIFF

TREVOR KEVIN BAYLIS

REQUEST FOR ADMISSION SET 1

Filed: 7th February 2024

PROPOUNDING PARTY: Trevor Kevin Baylis

RESPONDING PARTY: Valve Corporation

REQUEST FOR ADMISSION SET 1

TO ANY DEFENDANT AND COUNSEL OF RECORD:

Pursuant to Federal Rules of Civil Procedure 36. It is hereby requested and demanded of Defendant “Valve” that Valve make admission of following statements of facts which are of material significance to the case at hand, Baylis v Valve Corporation, in accordance to rule 36 of the Federal Rules of Civil Procedure under which this request is made, to answer the following facts, and that such answers be sworn and filed in the office of the District Court Clerk where this case in pending, and file an answer to

1 the author of this request in writing, 30 days of serving this request upon Valve. Or else,
2 each of the matters within this request for admission, shall and must be admitted by
3 Valve in accordance to rule 36 of the Federal Rules of Civil Procedure.
4

5 **1. REQUEST FOR ADMISSION TRUTH OF FACTS**

6 Admit that the following facts are true:
7

8 **REQUEST FOR ADMISSION NUMBER 1.**

9 1. Admit that in the case at hand, Baylis v Valve Corporation, Valve cannot avail
10 itself of The Digital Millennium Copyright Act U. S. C. 17 §512(c) so called “safe
11 harbor immunity” after Valve has been notified by Baylis of specific and identifiable
12 instances of infringing activities related to Baylis’ copyrighted works on Valve’s Steam
13 Platform, as it receives a financial benefit directly attributable to such identifiable instances
14 of infringing activity, and Valve has the legal right and practical ability to control such
15 activity such as though Valve’s own Steam Platform review process.

16 **A. Valve’s Steam Platform Review Process**

17 “Once you have completed your checklists, your store presence and product build
18 will need to be reviewed by Valve before you can release your game or software. You’ll
19 need to click “Mark as ready for review” to communicate to Valve that you have completed
the necessary work items and are ready for your store page and proposed pricing to be
reviewed.” (https://partner.steamgames.com/doc/store/review_process)

20 **REQUEST FOR ADMISSION NUMBER 2.**

21 2. Admit that Valve has not acted expeditiously under The Digital Millennium
22 Copyright Act U. S. C. 17 §512 to remove, or disable access to, the material related to the
23 case at hand, in which has been shown specifically identified instances of infringing activities
24 on Valve’s Steam Platform.

REQUEST FOR ADMISSION NUMBER 3.

3. Admit that Valve has shown “willful blindness” in sending a “take-down request” to a Steam Platform Partner subscriber, “Topware Entertainment” in Germany, **when Valve knew it was “itself” the target of the request** related to the specific and identifiable instances of infringing activities on it’s Steam Platform, and knowing full well that Valve can not avail itself of The Digital Millennium Copyright Act U. S. C. 17 §512(c) so called “safe harbor immunity” after Valve has been notified of specific and identifiable instances of infringing activities on it’s Steam Platform, as it receives a financial benefit directly attributable to such identifiable instances of infringing activity, and it has the legal right and practical ability to control such activity such as though Valve’s own Steam Platform review process.

REQUEST FOR ADMISSION NUMBER 4.

4. Admit that Valve has shown “willful blindness” by knowingly, materially misrepresenting that “material or activity was removed or disabled by mistake or misidentification” under The Digital Millennium Copyright Act U. S. C. 17 §512 (f) and in ceasing to disable access to the material related to the case at hand, in which has been specifically identified instances of infringing activities on Valve’s Steam Platform by trying to deceive Baylis when they claimed via Email that,

A. Email from dmca@valvesoftware.com on 23rd of August 2023

“Per 17 U.S.C. sec. 512 of the Digital Millennium Copyright Act (DMCA Safe Harbor provisions), Valve has fulfilled its role in this copyright complaint.” (Email from dmca@valvesoftware.com on 23rd of August 2023)

and attempting to take advantage of safe harbor immunity under The Digital Millennium Copyright Act U. S. C. 17 §512(c) when Valve knows they are not eligible for such immunity.

REQUEST FOR ADMISSION NUMBER 5.

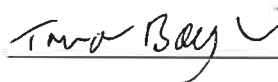
5. Valve admit that under *Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001*, Article 3, “Member States **shall provide authors with the exclusive right to** authorise or **prohibit** any communication to the public of their works, by wire or wireless means” [Emphasis added], and that Valve has not made “Best Efforts” under Article 17 of the EU Digital Single Market Copyright Directive a in accordance with high industry standards of professional diligence to avoid the availability on their services of unauthorised works and other subject matter, as identified as the material related to the case at hand.

REQUEST FOR ADMISSION NUMBER 7.

7. Admit that under The Digital Millennium Copyright Act U. S. C. 17 §512, Valve is directly liable for monetary relief, or for injunctive or other equitable relief, for infringement of Baylis’ copyright under the Copyright Act of 1976, U. S. C. 17 §501 due to the storage at the direction of a user of material that resides on a system or network controlled or operated by or for Valve, and for the subsequent distribution of that material by Valve for financial gain in violation of the Copyright Act of 1976, U. S. C. 17 §106.

This “Request for Admission Set 1” is made Pursuant to Federal Rules of Civil Procedure 36.

7th February 2024



Trevor Kevin Baylis
Jankanraitti, Tampere 33560, FINLAND

Please note: Plaintiff is dyslexic. Thus written documents such as this may have minor accidental spelling and or grammatical errors. Such things should not be seen as cause to prejudice the author of this document.

CERTIFICATE OF SERVICE FORM

FOR ELECTRONIC FILINGS

I hereby certify that on 7th February 2024 I electronically filed the foregoing document
with the United States District Court

Western District of Washington at Seattle by using the
CM/ECF system. I certify that the following parties or their counsel of
record are registered as ECF Filers and that they will be served by the

CM/ECF system:

Jeremy E Roller: jroller@aretelaw.com,

jfischer@aretelaw.com,

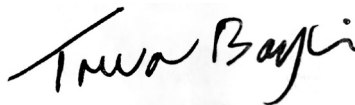
kgreenberg@aretelaw.com

Jonah O. Harrison: jharrison@aretelaw.com,

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kgreenberg@aretelaw.com

Dated: 7th February 2024

A handwritten signature in black ink, appearing to read "Trevor Baylis", is written over a light gray rectangular background.

Trevor Kevin Baylis

Jankanraitti

Tampere 33560, FINLAND